

Serial No. - 10/044,045
Art Unit - 2644

REMARKS

Claims 2, 3, 6-23, 25-41, and 66 are pending in the present application. Claims 8-16, 25-28, and 42-65 have been withdrawn from consideration. By the present amendment, claims 2, 3, 6-8, 17-20, 23, 25, and 28-31 have been amended, claims 1, 4, 5, 24, and 42-65 have been canceled, and new claim 66 has been added.


Claim 1, the only independent claim rejected in the Office Action of December 21, 2005, has been replaced with new independent claim 66. Claim 1 had been rejected under 35 U.S.C. §102 in view of Fischer et al. (US 5,748,748). Without conceding that the recitations of claim 1 are taught in the Fischer et al. patent, applicants have introduced new claim 66 to present an alternative definition of the present invention, incorporating various aspects of original claims 1, 4, 5, and 24, which was objected to as containing allowable subject matter. Applicants do not concede that claim 66 is more narrow than original claim 1. With regard to the teachings of the Fischer et al. patent, applicants note that the "acceleration sensor 28" cited in the Office Action is not configured to measure "acceleration resulting from structural vibration," as is recited in new claim 66. Rather, the "acceleration sensor 28" is merely configured to measure the lateral acceleration of the vehicle body. The sensor 28 has no relation to the structural vibration of a panel of the vehicle and, as such, the Fischer et al. patent cannot properly form the basis of an anticipatory rejection of claim 1, or any claims dependent therefrom.

Serial No. - 10/044,045
Art Unit - 2644

Applicants respectfully submit that the present application is in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,

DINSMORE & SHOHL L.L.P.

By 
James E. Beyer
Registration No. 39,564

One Dayton Centre
One South Main Street, Suite 1300
Dayton, Ohio 45402-2023
Telephone: (937) 449-6400
Facsimile: (937) 449-6405
e-mail: james.beyer@dinslaw.com